

CHADDS FORD TOWNSHIP  
DELAWARE COUNTY, PENNSYLVANIA  
ORDINANCE NO. 144: SPECIAL EVENTS

**AN ORDINANCE OF THE TOWNSHIP OF CHADDS FORD,  
DELAWARE COUNTY, PENNSYLVANIA, TO AMEND THE  
CODE OF CHADDS FORD TOWNSHIP AS HERETOFORE  
AMENDED, TO ADD THERETO A NEW CHAPTER 90,  
“SPECIAL EVENTS,” TO PROVIDE FOR THE  
REGULATION AND PERMITTING OF SPECIAL EVENTS,  
TO ALLOW FOR EXEMPTIONS, TO ESTABLISH  
APPLICATION PROCEDURES AND FEES, INSURANCE  
REQUESTS, LIMITATIONS ON THE NUMBER OF  
SPECIAL EVENTS, TO PROVIDE FOR THE REVOCATION  
OF PERMITS, AND TO ESTABLISH AN APPEAL  
PROCEDURE, PENALTIES FOR VIOLATION OF THE  
ORDINANCE AND THE EFFECTIVE DATE.**

**Section 1.** The Board of Supervisors of Chadds Ford Township, Delaware County, hereby amends the Code of Chadds Ford Township, as hereto amended, by adding thereto a new Chapter 90, “Special Events,” to read as follows:

**CHAPTER 90  
SPECIAL EVENTS**

**§90-1 Purpose**

This Ordinance establishes the permit requirements and regulations for Special Events to be held in Chadds Ford Township in order to properly provide for public health, safety and welfare.

**§90-2 Definitions**

As used in this chapter, the following terms shall have the meanings indicated:

**Applicant** – Any person or any sponsoring organization seeking a Special Event Permit from the Township in order to conduct or sponsor an event governed by this Ordinance. This term shall include, in the case of an organization applying for a Special Event Permit, an individual designated by such organization as the responsible contact person.

Approved Use – A use:

- A. permitted by right in the zoning district in which a property sits;
- B. approved by variance, special exception or conditional use; or
- C. that constitutes a nonconforming use pursuant to § 136-166 of the Chadds Ford Township Code

**Special Event** – Any event or series of not more than ten (10) events of a similar nature, layout and character conducted by a person, organization, entity or association, occurring outdoors, where two hundred twenty five (225) or more individuals are gathered, involving a meeting, fair, athletic or sporting event, display, demonstration, performance, speech, promotional activity, exhibition, entertainment or amusement which includes, but is not limited to, festivals, concerts, carnivals, arts and craft shows, fundraisers, athletic or sporting events, parades, runs, walks, rallies, bike races, and the like, which are designed to attract groups of people, which may or may not interfere with normal traffic flow. “Special Event” shall also mean any of the foregoing or similar activities that utilize tents, removable structures, canopies, etc. “Special Event” shall not include private events held at a property being used for a residential purpose unless they are commercial in nature or involve more than 225 people.

**Township Manager** – The Township Manager of Chadds Ford Township or his/her designee.

### **§90-3 Permit Required**

No Special Event may be advertised or conducted without first having obtained a Special Event permit from Chadds Ford Township.

### **§90-4 Permit Exemptions**

A Special Event permit is not required for the following:

- A. State or Federally sponsored parades or events.
- B. Funeral processions and memorial services.
- C. Any Special Event sponsored by the Township, whether or not occurring exclusively on Township property.
- D. First Amendment activity on Township streets or sidewalks that will not likely result in the obstruction of Township streets or sidewalks nor compromise the ability of the Township to respond to a public safety emergency.
- E. Religious Services.
- F. An event that constitutes an Approved Use for the property at which it is hosted.

### **§90-5 Permit Fee**

The permit fee shall be established by Resolution in an amount determined by the Board of Supervisors.

### **§90-6 Application for Permit**

Any person or organization intending to conduct or sponsor a Special Event shall apply to the Township with a Special Event permit at least sixty (60) days prior to the date of the proposed event. The following information shall be included in the application and subject to review by the Township Manager, Board of Supervisors, Fire Marshal, Zoning Officer, Building Inspector, and/or any Township official the Township Manager deems necessary:

- A. Description of Special Event, including the nature and purpose of the Special Event, any outdoor music amplified, sounds, and/or similar activity;
- B. Name, address and cell phone number for the point person of contact for the Special Event of the sponsoring organization or individual;
- C. Proposed date(s), location and hours of operation;
- D. Schedule of proposed Special Event;
- E. The estimated number of participants or spectators;
- F. A site plan including, but not limited to, the location of the Special Event including its boundaries, the location of any sound amplification equipment to be used, auxiliary or emergency lighting, emergency exits, vehicular entrances and exits, location of portable toilet facilities, water or first aid stations, food or beverage locations, location of traffic cones or barricades, all parking locations and shuttle bus routes, and parade or race routes (including organizing and disbanding areas);
- G. Signage Plan including, but not limited to, the location, type, and removal date of each sign to be placed in Chadds Ford Township.
- H. A narrative outlining security, traffic, crowd control measures, emergency vehicle access, emergency evacuation or shelter in place plan and such other necessary preparations as the event might require;
- I. PLCB written approval, if serving/selling alcohol;
- I. A letter from the property owner authorizing such activity, if the owner is not the sponsor of the Special Event.
- J. PA Department of Agriculture temporary food facility license, if applicable (Note: if event is 3 or fewer days it is exempt from licensure).
- K. A certificate of insurance, along with all required endorsements, naming the Township as additional insured.
- L. Any supplemental information deemed necessary to determine whether a Special Event permit shall be issued.

- M. The applicable permit fee.
- N. A signed reimbursement agreement by the applicant for any professional time spent on reviews, inspections or work necessary prior, during and after the event.
- O. Any other permits as required by the Township, which include but are not limited to, tents, signage, and other removable structures.

#### **§90-7 Indemnification Agreement**

Prior to the issuance of a Special Event, the permit applicant and an authorized officer of the sponsoring organization, if any, must sign an agreement to reimburse Chadds Ford Township for any costs incurred by it in repairing damage to Township property occurring in connection with the permitted event proximately caused by the actions of the permittee, its officers, employees or agents or any person who was under the permittee's control insofar as permitted by law. The agreement shall also provide that the permittee shall defend the Township against and indemnify and hold the Township harmless from any liability to any persons resulting from any damage or injury occurring in connection with the permitted event proximately caused by the actions of the permittee, its officers, employees or agents or any person who was under the permittee's control insofar as permitted by law. Persons who merely join in a parade event are not considered by that reason alone to be under the control of the permittee.

#### **§90-8 Insurance Requirements**

The applicant for a Special Event permit must possess or obtain public liability insurance to protect against loss from liability imposed by law for damages on account of bodily injury and property damage arising from or connected to the event. Such insurance shall name Chadds Ford Township, its officers, employees and agents as additional insureds. Coverage shall be a comprehensive general liability insurance policy. The following minimum limits shall be required:

- A. Five hundred thousand dollars (\$500,000) for each person for bodily injury; one million dollars (\$1,000,000) for each occurrence of bodily injury; and two hundred fifty thousand dollars (\$250,000) for each occurrence of property damage; or
- B. One million dollars (\$1,000,000) for each occurrence of combined single limit bodily injury and property damage.
- C. If food or nonalcoholic beverages are sold or served at the event, the policy must also include an endorsement for products liability in an amount not less than five hundred thousand dollars (\$500,000). If alcoholic beverages are sold or served at the event, the policy must also include an endorsement for liquor liability in an amount not less than five hundred thousand dollars (\$500,000).

A copy of the policy or a certificate of insurance, along with all necessary endorsements, must be filed with the Township no less than ten (10) days before the date of the Special Event.

### **§90-9 Timeline for a Decision**

The Township shall act upon a completed application for a Special Event within forty five (45) days after receipt of a completed application thereof. All applications will be discussed at an advertised Board of Supervisors work session or regular meeting. The applicant shall produce evidence satisfactory to the township of notification to all abutting property owners and those residents within 500 feet of the property holding the Special Event prior to the date of the application's discussion at the Board of Supervisors meeting. If the application is approved, the Township Manager shall issue a Special Event permit in writing, upon agreement by the applicant, to the terms and conditions of the permit. If the application is disapproved, a notice shall be mailed to the applicant and shall include the reasons for denial of the permit and the procedure for appeal.

### **§90-10 Standards for Approval or Denial of Permit**

After review of the application, the Board of Supervisors may:

- A. Approve a Special Events application in writing with possible conditions as it deems necessary; or
- B. Deny a Special Event permit for reasons including but not limited to:
  - 1. The Special Event would interrupt the safe and orderly movement of vehicular traffic on streets or commercial parking lots so as to create a real and present danger to the health, safety and welfare of the residents of Chadds Ford Township or the traveling public.
  - 2. The Special Event will pose a real and present danger to the general health, safety and welfare of the citizens of Chadds Ford Township by preventing fire-fighting equipment, ambulance service, rescue vehicles or other public safety vehicles from reaching any person or property in Chadds Ford Township.
  - 3. The Special Event will cause undue hardship to adjacent businesses or residents or will require the diversion of public employees such that their absence from their usual assignments would pose a danger to the residents of Chadds Ford Township.
  - 4. The application contains incomplete or inaccurate information.
  - 5. The applicant has failed to comply with the terms of this Chapter, including failure to remit all fees.

### **§90-11 Repeat Interval for a Special Event**

A Special Event of the same or substantially similar nature may not be held more often than once every three (3) months, regardless of a change in location unless the recurrence is a part of and detailed in any original permit issued for the Special Event. Under no circumstances can there be in excess of ten (10) Special Events per year in one location.

#### **§90-12 Notice to Officials**

Immediately upon the issuance of the Special Event permit, the Township Manager shall, if applicable, send a copy of the permit to the following:

- A. Board of Supervisors.
- B. Fire Marshal.
- C. Township Secretary.
- D. Pennsylvania State Police.
- E. Building Inspector
- F. Zoning Officer

#### **§90-13 Sanitation and Cleanup**

The Applicant shall have the sole responsibility of clearing the Special Event location of any rubbish and debris and returning it to its pre-event condition within fortyeight (48) hours of the conclusion of the event. If the Applicant fails to do so, the Township shall have grounds to deny future permit applications or require applicant or sponsoring organization to pay all costs from any previous event that are outstanding and post a deposit to cover estimated costs going forward.

#### **§90-14 Revocation**

Reasons for revocation of a Special Event permit, include, but are not limited to:

- A. Application contains incomplete or inaccurate information.
- B. Applicant fails to comply with the terms and conditions of the permit.
- C. Applicant fails to arrange for or pay all fees.
- D. Disaster, public calamity, riot or other emergency exists.
- E. Non-compliance with existing Chadds Ford Township Codes.

#### **§90-15 Appeals Procedure**

Any Applicant whose Special Event permit application has been denied or revoked may appeal the decision to the Delaware County Court of Common Pleas.

### **§90-16 Violations and Penalties**

Any person, firm, corporation or other entity which violates any of the provisions of this chapter shall, after a hearing before a District Justice, be subjected to a fine not exceeding \$500 per day for each day of violation, plus all court costs, including reasonable attorney's fees, incurred by the Township in the enforcement of this Ordinance. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance with the Ordinance.

### **Section 2. Repealer**

All ordinances, or parts of ordinances, conflicting with any provision of this Ordinance are hereby repealed insofar as the same conflict with this Ordinance.

### **Section 3. Severability**

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the whole or any part hereof.

### **Section 4. Effective Date**

This Ordinance shall become effective thirty (30) days after it is enacted by the Township Board of Supervisors.

**ENACTED and ORDAINED** by the Board of Supervisors of Chadds Ford Township, Delaware County, Pennsylvania this \_\_\_\_ day of \_\_\_\_\_, 2016.

CHADDS FORD TOWNSHIP  
BOARD OF SUPERVISORS

\_\_\_\_\_  
Frank Murphy, Chairman

\_\_\_\_\_  
Samantha Reiner, Vice-Chairman

\_\_\_\_\_  
Noelle Barbone, Supervisor

ATTEST: \_\_\_\_\_  
Township Secretary